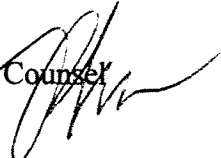


MEMORANDUM

October 14, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: RICHARD K. MASON
Principal Deputy County Counsel
Public Services Division 

RE: Rhea A. v. Chaffey Joint Union High School District and Los Angeles
County Department of Mental Health
Administrative Hearing Case No. SN 03-01784

DATE OF
INCIDENT: Ongoing

AUTHORITY
REQUESTED: \$29,000

COUNTY
DEPARTMENT: Department of Mental Health

CLAIMS BOARD ACTION:



Approve




Disapprove



Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on November 1, 2004

SUMMARY

Authority to settle a disputed claim related to a special education student is sought. The parties to this recommended settlement are: Rhea A., a minor, the Chaffey Joint Union High School District, the West End SELPA, and the Los Angeles County Department of Mental Health ("DMH"). The issues relate to mandated educational services and associated mental health services.

LEGAL PRINCIPLES

This is a case involving special educational and mental health services to a minor under state and federal law. The minor, through her mother, claimed that the defendants denied Rhea A. her entitlements to certain special educational and mental health services. It is admitted by the defendants that general entitlements are involved, with the dispute being over the extent thereof and related compensation issues.

SUMMARY OF FACTS

Rhea A.'s mother, claiming violations of state and federal special education and related mental health laws, placed her daughter in the Center for Discovery, a private facility, from July 8, 2003, through December 22, 2003. In addition, she commenced an administrative proceeding under these laws against defendants, seeking specific relief and compensatory damages. The parties to this case met in the context of the administrative proceedings and agreed on a settlement to resolve their differences.

The parties agreed that Rhea A.'s mother would be reimbursed for an amount not to exceed \$52,500 for the claims set forth in the administrative proceeding. DMH's share of the settlement was to have been \$25,000, payable within 90 days after receipt of certain expense information. In addition, the defendants agreed prospectively to conduct certain assessments, provide certain services, and related activities.

Upon the execution of the settlement, and in anticipation of its consummation, the administrative proceeding was dismissed. All elements of the settlement have, in fact, been performed, except that DMH has not made its payment to Rhea A.'s mother, as stipulated. After the time period for payment lapsed, it was discovered that, through inadvertence, DMH had neglected to process the settlement to this office for finalization and payment.

At this point Rhea A.'s mother, who had incurred debt and interest regarding the amounts owing to her, retained an attorney, Joyce Vega, to pursue her debt from DMH. This office became involved and entered into negotiations to resolve the dispute. We have negotiated a final resolution of this dispute for a payment of \$29,000 (i.e., \$4,000 in addition to the original settlement).

DAMAGES

Had the parties not settled their differences, the compensatory damages and related costs and fees, including attorney's fees, could well have far exceeded the settlement.

STATUS OF CASE

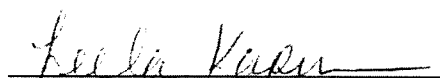
As set forth above, the administrative proceeding has been dismissed and all parts of the original settlement have been performed, with the exception of the payment by DMH.

It should be noted that this settlement deals with allegations up to January of 2004. We have been informed that Rhea A.'s mother is making new allegations for issues arising subsequent to this settlement. These new allegations will be the subject of a mediation between the parties, and a new administrative proceeding if not resolved, but are not a part of the instant recommendation.

EVALUATION

Under the circumstances of this case, where the original settlement itself was reasonable and has been carried out by all other parties, and where DMH, through inadvertence, did not formalize the settlement in a timely way, the recommendation set forth herein is the most reasonable and responsible way to resolve this dispute. The Claims Board's favorable consideration of this recommended settlement is respectfully requested by DMH.

APPROVED:



LEELA A. KAPUR
Assistant County Counsel

RKM:if